

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

-----X
In Re:

Chapter 11

Case No.: 19-46432- CEC

KUM GANG INC.,

Debtor.
-----X

JI SUNG YOO, hereby declares the truth of the following under 28 USC § 1746, under penalty of perjury:

1. I am the principal owner and President of Kum Gang, Inc., the above -referenced Debtor. I submit this Declaration in opposition to the motion by Kit Realty, Inc. for relief from the automatic stay.

2. Since July 2004, the Debtor has operated the premises as a restaurant, a banquet hall and catering business, operating under the name of “Kum Gang San.” The business operates on a 24/7 basis, and specializes in Korean cuisine.

The Lease

3. Prior to commencing operations, the Debtor, on or about July 1, 2004, entered into a lease with the landlord, Kit Realty, Inc. (“the Landlord”) for the premises located at 138-18/32 Northern Blvd., Flushing, Queens, New York. The lease was for a twenty (20) year term, and is due to expire on June 30, 2024. A copy of said Lease is attached as Exhibit 3 (Doc. 3-4 and Doc 3-5) to the Landlord’s motion papers, filed on October 28, 2019.

4. Of particular relevance is paragraph 82 of the Rider to the Lease, entitled “Right of First Refusal,” which provides, in relevant part:

The Landlord agrees that in the event the premises are offered for sale and a “Bona Fide” offer acceptable to the Landlord is obtained to purchase the subject premises then the Landlord shall give the Tenant the opportunity to purchase the premises upon the same terms and conditions as the “Bona Fide” offer, In such event Tenant shall be given Ten (10) days to accept the terms from the date Landlord serves notice upon him. Should the

Tenant accept the Terms of said offer the Landlord shall deliver a Contract, within Seven (7) days of such acceptance, to the Tenant, which contract will be prepared by the Attorney for the Landlord, and substantially similar to the terms of the “Bona Fide Offer”. **(See Exhibit A)**

The Civil Court Proceedings

5. On or about January 25, 2018, the Landlord filed a Notice of Petition in the Civil Court of the City of New York, Queens County (Index No. 52603/2018), seeking a final judgment of eviction against the Debtor for alleged non-payment of certain summons issued by the New York City Fire Dept. (FDNY”) and Health Department. Debtor answered this Petition, and attached nine (9) exhibits to its Verified Answer documenting that the violations that led to the issuance of numerous summons against the Landlord and the Debtor had been cured and were awaiting final inspection and clearance by the FDNY and the Health Dept. A copy of said Verified Answer with exhibits A through I is attached hereto as **Exhibit B**.

6. In addition, Debtor’s prior attorney, Kenneth F. McCallion, submitted an Affirmation, dated March 21, 2018, that had attached to it a letter to the New York City Fire Dept., dated February 27, 2018, with notarized Certificates of Correction with regard to the outstanding FDNY violations. A copy of said Affirmation (without Certificates of Correction) is attached hereto as **Exhibit C**.

Negotiations Regarding Sale of Building and Landlord’s Tortious Interference With Contract

7. For approximately the past two year period, I have been kept informed by Mirae Realty, the Landlord’s broker, as to the Landlord’s efforts to sell the Building and Property located at 138-28 Northern Boulevard, Queens, New York, where Debtor’s business is located. Approximately six months ago, the broker advised me that the Landlord had reached an agreement with a buyer to sell the property for \$52 million, but that the Landlord was delaying

the signing of a contract for the sale because the Landlord did not want to give the Debtor the “right of first refusal” under the lease to buy the property at the same price (\$52 million) that the Landlord had agreed to sell it to the bona fide buyer.

8. At about the same time that the broker informed me of the Landlord’s agreement to sell the property for \$52 million, I was approached by Jerry D.H. Li, President of FUNDPRO Inc., and after some negotiations, I agreed, on behalf of the Debtor, to sell the Debtor’s lease rights to the buyer of the property for \$4 million, with FUNDPRO to receive a 25% commission, leaving the Debtor with a net of \$3 million (“the Agreement”). A copy of the Agreement, dated July 30, 2019, is attached hereto as **Exhibit D**.

9. Upon information and belief, the Landlord has tortuously interfered with Debtor’s contractual rights under the Agreement by refusing to sign the contract of sale with the buyer of the property for the sole purpose of denying Debtor its right to exercise its “right of first refusal” under the Lease, which would trigger its rights to receive the net \$3 million in funds under the Agreement.

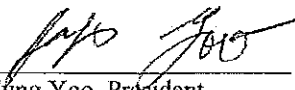
10. In addition to interfering with the Debtor’s rights under the Agreement, the Landlord is also acting in bad faith by delaying the signing of the sales contract for the property and thereby triggering the Debtor’s right of first refusal under the Lease. I have a letter of intent with an investor to provide the funding necessary to match the current \$52 million sales price for the property that the Landlord has agreed to with the buyer, and on behalf of the Debtor, I am prepared to exercise Debtor’s right of first refusal in the unlikely event that the Debtor’s lease rights are not sold pursuant to the terms of the Agreement with FUNDPRO. This investor has also agreed to make an equity investment of \$1.5 million in Debtor’s business, which would be sufficient to fund a successful Chapter 11 reorganization of the business.

11. Additionally, the Debtor is willing to pay rent to the Landlord in the amount of \$65,974 per month in accordance with the lease, while the case is pending.

WHEREFORE, the Debtor respectfully requests that this Court deny the Landlord's motion to vacate or modify the automatic stay, and granting such other and further relief as this Court deems just and proper.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Dated: Queens, New York
November 13, 2019



Ji Sung Yoo, President
Kum Gang, Inc.
Debtor-in-Possession

Exhibit A

It is further understood that this is a "Triple Net Lease" and the Tenant is responsible for all expenses or cost of any nature whatsoever during the Term of this Lease and the Lease dated the 28th. day of January 1994.

The Lease is further made subject to any and all Tenancies and the Landlord makes no representations in connection thereto.

81. ASSESSMENT REVIEW

Tenant agrees to be responsible for the yearly filing of an application for the reduction of assessed value on the demised premises and or petitions for certiorari. Tenant shall be obligated for all cost, including legal fees, and disbursements with respect to the yearly filing of proceedings.

82. RIGHT OF FIRST REFUSAL

During the term of this Lease and provided the Tenant is not in default of the terms and conditions of this Lease the Tenant is given the "Right of First Refusal" to purchase the demised premises. The Landlord agrees that in the event the premises are offered for sale and a "Bona Fide" offer acceptable to the Landlord is obtained to purchase the subject premises then the Landlord shall give the Tenant the opportunity to purchase the premises upon the same terms and conditions as the "Bona Fide" offer. In such event Tenant shall be given Ten (10) days to accept the terms from the date Landlord serves notice upon him. Should the Tenant accept the Terms of said offer the Landlord shall deliver a Contract, within Seven (7) days of such acceptance, to the Tenant, which contract will be prepared by the Attorney for the Landlord, and substantially similar to the terms of the "Bona Fide Offer". Should the Tenant refuse to accept the option to Purchase as set forth above or refuse to sign and return the Contract within 7 days of delivery to the Tenant or fail to notify Landlord of his acceptance within 10 days of Landlord's notice to it, then the Tenant's "Right of First Refusal" shall terminate and be of no further force and effect for the remaining term of the Lease.

Notice under the above shall be by certified mail return receipt requested or by overnight delivery service. Tenant's time to respond under this provision shall be considered "Time of the Essence."

Kit Realty Inc.

By Diane Macari
Diane Macari

Kam Gang Inc.

By Li Sung Yoo
Li Sung Yoo, Pres.

Exhibit B

CIVIL COURT OF THE CITY OF NEW YORK
COUNTY OF QUEENS: COMMERCIAL PART 52

x

KIT REALTY INC.,

COMMERCIAL

Petitioner-Landlord,

Index No. 82603/18

-against-

VERIFIED ANSWER TO PETITION

KUM GANG INC.

138-18/38 Northern Boulevard

Flushing, NY 11354,

Respondent-Tenant,

“XYZ Corp.”, “JOHN DOE” AND “JANE DOE”,

Respondents- Undertenants.

x

Respondent-Tenant KUM GANG INC., answers the allegations of the numbered paragraphs of the Holdover Petition dated January 25, 2018 as follows:

1. Respondent- Tenant Kum Gang Inc. (“KGI”) admits that Petitioner Kit Realty Inc. is the landlord of 138-18/38 Northern Boulevard, Flushing, NY 11354 (“the Premises”).
2. Respondent-Tenant KGI admits that it is the Tenant at said Premises, but denies knowledge of the alleged undertenants.
3. Respondent-Tenant KGI admits that the Premises are properly described as 138-18/38 Northern Boulevard, Flushing, NY 11354, which is within the jurisdiction of the Civil Court of the City of New York, County of Queens.
4. Respondent-Tenant KGI denies the allegations of paragraph 4 of the Petition, to the effect that there are grounds for termination of the lease as enumerated in the Five (5) Day Notice of Termination.
5. Respondent- Tenant KGI denies the allegations of paragraph 5 of the Petition, to the effect that there are any valid grounds for termination of the lease.

6. Respondent-Tenant admits the allegations of paragraph 6 of the Petition, to the effect that the Premises are used exclusively for commercial purposes.

7. Respondent-Tenant admits that the Premises are not a multiple dwelling.

8. Respondent-Tenant denies the allegations set forth in paragraph 8 of the Petition.

9. Respondent-Tenant denies the allegations set forth in paragraph 9 of the Petition.

FIRST AFFIRMATIVE DEFENSE

The Petition fails to state a claim upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

All of the seven New York City Department of Health summonses listed in paragraph 43 of the Five(5) Days Notice of Termination attached to the Petition (see cover page of Notice attached hereto as **Exhibit A**) have been satisfied and paid for. Attached as **Exhibit B** in a Notice of Payment of \$4,099.60 for the seven listed summonses.

THIRD AFFIRMATIVE DEFENSE

The NYC Fire Department violations listed in paragraph 2 of the Five (5) Days Notice of Termination have either been satisfied, or they are erroneously listed on the Notice.

1. The first alleged violation (Number 01144123R) is incorrectly listed, since there is not, upon information and belief, any such violation against Tenant-Respondent.

2. The next four listed violation (Numbers 011455531R, 011455531R, 01145618J, and 011492563Y), which are attached hereto as **Exhibit C**, relate to "Certificates of Fitness and Certificates of Qualification," all of which the Tenant-Respondent have fully complied with. Attached as **Exhibit D** are the Certificates of Fitness and Qualifications issued to Respondent Tenant's employees Samuel Yoo and Hyung Chang Ha by the NYC Fire Dept.

3. The next violation three violations listed in the Five Day Notice (Numbers 011430753L, 011422707K, and 011404227M), attached hereto as **Exhibit E**, relates to the Posting of Permits and Record Keeping, which have been satisfied. Copies of various permits and records on display at the Premises are attached as **Exhibit F** hereto, although the relevant records are too voluminous to be included as Exhibits hereto, but are available for inspection by Petitioner and the Court.

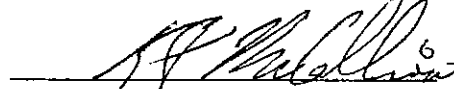
4. The next violation (Number 011431274Z), attached hereto as **Exhibit G**, relates to “Certificates of Fitness and Certificates of Qualification,” which were satisfied (see **Exhibit D** above).

5. The next violation (Number 0001623299L) relates to “Inspection and Testing,” a copy of which is attached hereto as **Exhibit H**. This is actually a violation of Petitioner; however, Tenant-Respondent has satisfied this violation (see **Exhibit F** above) and has all necessary inspection and testing certificates on-site. Tenant-Respondent is waiting for a NYC Fire Dept. inspector to visit the Premises and to clear all of these violations. The inspection is scheduled for May 4, 2018. See letter from VIP Fire Sprinklers Inc. dated Nov. 13, 2017, attached hereto as **Exhibit I**.

WHEREFORE, it is respectfully requested that the Petition be denied in all respects.

Dated: February 12, 2018

McCALLION & ASSOCIATES LLP



By: Kenneth F. McCallion
100 Park Avenue – 16th floor
New York, New York 10017
(646) 366-0884
Attorneys for Tenant-Respondent

VERIFICATION

STATE OF NEW YORK)

) ss:

COUNTY OF QUEENS)

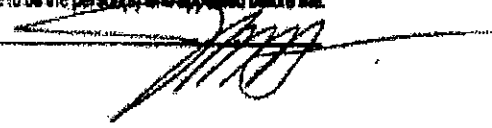
HYUNG CHAN HA, being duly sworn, states as follows:

1. I am the manager of Tenant-Respondent Kum Gang, Inc. and am fully familiar with this matter.
2. I have read the foregoing Answer to the petition and affirm that the contents thereof are true and correct, except as to matters alleged on information and belief, and as to those matters, I believe them to be correct.


HYUNG CHAN HA

NOTARY PUBLIC

Sworn to before me this
day of February 2018

State of New York County of Queens
Subscribed and sworn to (or affirmed) before me on this
12 day of February, 2018, by
Hyung CHAN HA proved to me on the basis
of satisfactory evidence to be the person(s) who appeared before me.
Notary Signature 

JOHN HEUNG W. LAM
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01LAS062828
Qualified in Queens County
Commission Expires August 20, 2021

EXHIBIT A

FIVE (5) DAYS NOTICE OF TERMINATION

TO: KUM GANG INC.
138-18/38 Northern Boulevard
Flushing, NY 11354

SUBJECT PREMISES: 138-18/38 Northern Boulevard
Flushing, NY 11354

Additional copies sent by regular mail and certified mail to KUM GANG INC. at 945 Manhattan Ave., Brooklyn, NY 11222.

YOU ARE HEREBY NOTIFIED AND ADVISED that the landlord does hereby elect to terminate your tenancy of the above described premises now held by you under leasehold hiring. Unless you remove from the premises by January 24th 2019, the day on which your term expires pursuant to this Notice, the landlord will commence summary proceedings under the Statute to remove you from the premises for Holding Over after the expiration of your term. The reasons for the termination of your tenancy include, but are not limited to the following:

1. You have failed to correct and/or have the following violations removed in violation of Paragraph 6 of your lease, which requires you to be in compliance with any and all laws, rules and governmental orders.
2. The Fire Department of the City of New York has entered the following violations which to date have not been corrected. These violations include but are not limited to the following: ECB Violation #'s: 01144123R, 011455531R, 011455618J, 011492563Y, 011563570H, 011430753L, 011422707K, 011404227M, 011431274Z, 011623299L, 0193653451, 0193653460.
3. Additionally the New York City Department of Health issued the following summons numbered: 0881000020, 08881000039, 0881000048, 0881000057, 0881000066, 0881000075, and 0881000084. A copy of the summons are attached.
4. You are in violation of your lease agreement in that your failure to comply with governmental directives has directly impacted the landlord's use of the subject premises and has subjected the Landlord to penalties and/or fines as a consequence of your breach of those governmental directives.
5. To date these violations still exist and have not been corrected.

PLEASE TAKE FURTHER NOTICE that termination of your tenancy is also based upon the fact that you have failed to comply with a Notice to Cure dated November 29th 2017, which was served upon you by first-class mail and certified mail. (A copy of said Notice of Default is annexed hereto).

Dated: New York, New York

January 9th, 2018

Kit Realty Inc., Landlord

By: Mary Rahl
Mary Rahl, Managing Agent

Any inquiries regarding this Notice should be addressed in writing to Horing Welikson & Rosen, P.C., 11 Hillside Avenue, Williston Park, New York 11596. HWR 720024

EXHIBIT B

Thank you for your payment.

Payment Amount: \$4,099.60
Receipt Number: CPY001244362
Transaction Date: 02/09/2018 2:13:34 PM
Payment Type: VISA *****2034

You will provisionally receive credit for making your payment on the date that you click the Process Payment button on this website. However, it may take up to two or more business days for your payment to be reflected on this website. Your payment will not be considered final until it is deemed settled by your financial institution. This means that if, for example, there is not enough money in your bank account or if your payment fails to settle, you will not receive credit for making your payment. Your bill will be reinstated, and you may be charged interest and penalties.

MAINTENANCE PROGRAM AND PLAN INCOMPLETE OR NOT ON \$500.00
 09/21/2017
 KIT REALTY INC /LEWIS & MURPHY
 0881000020

ROUTINE MONIT NOT CONDUCT,DOC'D AT LEAST ONCE/WEEK \$500.00
 09/21/2017
 KIT REALTY INC /LEWIS & MURPHY
 0881000039

COMPL INSPEC NOT CONDUCT,DOC'D ONCE EVERY 90 DAYS \$500.00
 09/21/2017
 KIT REALTY INC /LEWIS & MURPHY
 0881000048

TWICE YEARLY OR OTHER REQUIRED CLEANING NOT CONDUCT \$500.00
 09/21/2017
 KIT REALTY INC /LEWIS & MURPHY
 0881000057

NO RECORDS OF ALL CHEMICALS AND BIOCIDES ADDED 1ST
09/21/2017
KIT REALTY INC /LEWIS & MURPHY
0881000066

\$500.00

FAIL TO COLLECT/ANALYZE/RECORD WEEKLY BIO PROCESS
09/21/2017
KIT REALTY INC /LEWIS & MURPHY
0881000075

\$500.00

LEGIONELLA SAMP NOT COLLECT/ANALYZE/RESULTS NOT RE
09/21/2017
KIT REALTY INC /LEWIS & MURPHY
0881000084

\$1,000.00

Item Total: \$4,000.00
Service Fee: \$99.60
Payment Amount: \$4,099.60

--
"New York Kimchi"

Ko-Am Food Corp
138-28 Northern Blvd
Flushing, NY 11354
T: 718-321-7171 F: 718-321-8397

EXHIBIT C

NYC Business**△ FIRE DEPARTMENT OF NYC**

Status ● DOCKETED

Issuing Agency
FIRE DEPARTMENT OF NYCNotice of Violation Number
011455631RRespondent Name
KUM GANG SAN RESTAURANT**Violation Details**

Violation Date
10/28/2015

Status
DOCKETED

Compliance
PENALTY DUE

Disposition
DEFAULTED

Issuing Agency
FIRE DEPARTMENT OF NYC

Hearing Information

Scheduled
12/14/2015

Scheduled Location
QUEENS

Docketed Date
03/31/2016

Premise Information

Location
138-28 NORTHERN BLVD, FLUSHING, NY, 11354

Borough/Block/Lot (BBL)
QUEENS / 05910 / 0028

Business Representatives

Relation
RESPONDENT

Name
KUM GANG SAN RESTAURANT

Address
N/A

Relation
EXTERNAL AGCY OWNER EXTERNAL AGCY OWNER

Name
KIT REALTY INC

Address
138-18 NORTHERN BOULEVARD, FLUSHING, NEW YORK 11354

Relation
EXTERNAL AGCY OWNER EXTERNAL AGCY OWNER

Name
KIT REALTY INC

Address
47 HILLSIDE AVE, MANHASSET, NEW YORK 110302228

Infraction Summary

Description
CERTIFICATES OF FITNESS AND CERTIFICATES OF QUALIFICATION

Sett Amount
\$0

Face Amount
\$1,875

Status
DEFAULT

Imposed Amount
\$5,000

Total
-\$5000.00

Paid
\$0.00

Balance Due
\$6000.00

NYC Business**△ FIRE DEPARTMENT OF NYC**

Status ● DOCKETED

Issuing Agency
FIRE DEPARTMENT OF NYCNotice of Violation Number
011466618JRespondent Name
KUM GANG SAN RESTAURANT**Violation Details**

Violation Date
Status
Compliance
Disposition
Issuing Agency
Hearing Information

08/10/2018
DOCKETED
PENALTY DUE
DEFAULTED
FIRE DEPARTMENT OF NYC

Scheduled

Scheduled Location
Docketed Date
Premise Information

01/30/2017
QUEENS
05/31/2017

Location
Borough/Block/Lot (BBL)

138-28 NORTHERN BLVD, FLUSHING, NY, 11354
QUEENS / 05010 / 0028

Business Representatives

Relation
Name
Address
Relation
Name
Address

RESPONDENT
KUM GANG SAN RESTAURANT
138-28 NORTHERN BLVD, FLUSHING, NEW YORK 11354
ATTORNEY
MICHAEL
270 NORTH AVE 811, NEW ROCHELE, NEW YORK 10801

Infraction Summary

Description
Std Amount
Face Amount
Status
Imposed Amount
Total
Paid
Balance Due

CERTIFICATES OF FITNESS AND CERTIFICATES OF QUALIFICATION
\$0
\$1,875
DEFAULT
\$5,000
\$5000.00
\$0.00
\$5000.00

NYC Business.**△ FIRE DEPARTMENT OF NYC**

Status ● DOCKETED

Issuing Agency
FIRE DEPARTMENT OF NYCNotice of Violation Number
011492963YRespondent Name
KUM GANG SAN RESTAURANT**Violation Details**

Violation Date
12/18/2016

Status
DOCKETED

Compliance
PENALTY DUE

Disposition
DEFAULTED

Issuing Agency
FIRE DEPARTMENT OF NYC

Hearing Information

Scheduled
01/30/2017

Scheduled Location
QUEENS

Docketed Date
03/31/2017

Premises Information

Location
139-28 NORTHERN BLVD, FLUSHING, NY 11354

Borough/Block/Lot (BBL)
QUEENS / 05010 / 0028

Business Representatives

Relation
RESPONDENT

Name
KUM GANG SAN RESTAURANT

Address
138-28 NORTHERN BLVD, FLUSHING, NEW YORK 11354

Relation
EXTERNAL AGCY OWNER EXTERNAL AGCY OWNER

Name
KIT REALTY INC

Address
138-18 NORTHERN BOULEVARD, FLUSHING, NEW YORK 11354

Relation
EXTERNAL AGCY OWNER EXTERNAL AGCY OWNER

Name
KIT REALTY INC

Address
47 HILLSIDE AVE, MANHASSET, NEW YORK 110302228

Infraction Summary

Description
CERTIFICATES OF FITNESS AND CERTIFICATES OF QUALIFICATION

Stop Amount
\$0

Face Amount
\$1,875

Status
DEFAULT

Imposed Amount
\$5,000

Total
\$5000.00

Paid
\$5,000.00

Balance Due
\$5000.00

NYC Business**△ FIRE DEPARTMENT OF NYC**

Status ● DOCKETED

Issuing Agency
FIRE DEPARTMENT OF NYCNotice of Violation Number
011563570HRespondent Name
KUM GANG SAN RESTAURANT**Violation Details**

Violation Date 03/07/2017
 Status DOCKETED
 Compliance PENALTY DUE
 Disposition DEFAULTED
 Issuing Agency FIRE DEPARTMENT OF NYC

Hearing Information

Scheduled 05/15/2017
 Scheduled Location QUEENS
 Docketed Date 08/01/2017

Premise Information

Location 135-25 NORTHERN BLVD, FLUSHING, NY, 11354
 Borough/Block/Lot (BBL) QUEENS / 05010 / 0028

Business Representatives

Relation RESPONDENT
 Name KUM GANG SAN RESTAURANT
 Address N/A
 Relation EXTERNAL AGCY OWNER
 Name MT REALTY INC
 Address 47 HILLSIDE AVE, MANHASSET, NEW YORK 110502229

Infraction Summary**CERTIFICATES OF FITNESS AND CERTIFICATES OF QUALIFICATION**

Description \$0
 Slip Amount \$1,875
 Fee Amount \$5,000
 Status DEFAULT
 Imposed Amount \$5000.00
 Total \$0.00
 Paid \$5000.00
 Balance Due \$5000.00

EXHIBIT D

HOME 52-32 LEITH PLACE
ADDR. LITTLE NECK, NY 11362

NOT
FDNY
EMPLOYEE



A Jm

FEE \$ 15.00 CAT. F03 TYPE Fitness
DESC. INDOOR PLACE OF ASSEMBLY SAFETY PERSONNEL

EMPLOYER KUMGANG INC
WORK 138-28 NORTHERN BLVD
LOCATION QUEENS, NY 11354

CERTIFICATE ISSUED BY NYC FIRE DEPT

CERT.# 89108518 N
ISSUED 04/17/2017 EXPIRES 04/16/2020



NAME SAMUEL YOO
HOME 52-32 LEITH PLACE
ADDR. LITTLE NECK, NY 11362
NOT
FDNY
EMPLOYEE

A Jm

FEE \$ 28.00 CAT. F07 TYPE Fitness
DESC. FIRE AND EMERGENCY DRILL CONDUCTOR

EMPLOYER KUMGANG INC
WORK 138-28 NORTHERN BLVD
LOCATION QUEENS, NY 11354

CERTIFICATE ISSUED BY NYC FIRE DEPT

CERT.# 87277646 R
ISSUED 04/17/2017 EXPIRES 01/07/2020



NAME SAMUEL YOO
HOME 52-32 LEITH PLACE
ADDR. LITTLE NECK, NY 11362
NOT
FDNY
EMPLOYEE

CERTIFICATE ISSUED BY NYC FIRE DEPT

CERT # 87277737 R
ISSUED 04/07/2017 EXPIRES 01/07/2020

NAME SAMUEL YOO
HOME 52-33 LETH PLACE
ADDR. LITTLE NECK, NY 11362
NOT FDNY
EMPLOYEE

FEE \$ 10.00 CAT FNS TYPE FNS
DESC. INDOOR PLACE OF ASSEMBLY SAFETY PERSONNEL

EMPLOYER KUNOWING INC
WORK 175-25 BOWEN BLVD
LOCATION ELIZABETH, NY 07208

CERTIFICATE ISSUED BY NYC FIRE DEPT

CERT # 87277737 R
ISSUED 04/07/2017 EXPIRES 01/07/2020

NAME SAMUEL YOO
HOME 52-33 LETH PLACE
ADDR. LITTLE NECK, NY 11362
NOT FDNY
EMPLOYEE

FEE \$ 10.00 CAT FNS TYPE FNS
DESC. INDOOR PLACE OF ASSEMBLY SAFETY PERSONNEL

EMPLOYER KUNOWING INC
WORK 175-25 BOWEN BLVD
LOCATION ELIZABETH, NY 07208

CERTIFICATE ISSUED BY NYC FIRE DEPT

CERT # 87277737 R
ISSUED 04/07/2017 EXPIRES 01/07/2020

NAME SAMUEL YOO
HOME 52-33 LETH PLACE
ADDR. LITTLE NECK, NY 11362
NOT FDNY
EMPLOYEE

FEE \$ 10.00 CAT FNS TYPE FNS
DESC. INDOOR PLACE OF ASSEMBLY SAFETY PERSONNEL

EMPLOYER KUNOWING INC
WORK 175-25 BOWEN BLVD
LOCATION ELIZABETH, NY 07208

CARD ISSUED BY NYC FIRE DEPT

105435

N

EXPIRES 04/16/2020

INGRAN HA

WEST END DR #2F

NEW YORK, NY 11362

NOT
FDNY
EMPLOYEE

CASE F05 TYPE Fitness

PLACE OF ASSEMBLY SAFETY PERSONNEL

INC

NORTHERN BLVD

NEW YORK, NY 11354



CARD ISSUED BY NYC FIRE D.

N

EXPIRES 04/16/2020

DR #2F

NEW YORK, NY 11354

NOT
FDNY
EMPLOYEE

CASE F05 TYPE Fitness

DRILL CONDUCTOR

NORTHERN BLVD



EXHIBIT E

NYC Business**△ FIRE DEPARTMENT OF NYC**

Status ● DOCKETED

Issuing Agency
FIRE DEPARTMENT OF NYCNotice of Violation Number
011430743LRespondent Name
KUM GANG INC**Violation Details**

Violation Date
01/03/2015

Status
DOCKETED

Compliance
PENALTY DUE

Disposition
DEFAULTED

Issuing Agency
FIRE DEPARTMENT OF NYC

Hearing Information

Scheduled
02/23/2015

Scheduled Location
QUEENS

Docketed Date
08/30/2015

Premise Information

Location
138-28 NORTHERN BLVD, FLUSHING, NY 11354

Borough/Block/Lot (BSL)
QUEENS / 05010 / 0023

Business Representatives

Relation
Name
Address

RESPONDENT
KUM GANG INC
N/A

Relation
Name
Address

EXTERNAL AGCY OWNER EXTERNAL AGCY OWNER SELF
KIT REALTY INC
138-18 NORTHERN BOULEVARD, FLUSHING, NEW YORK 11354

Relation
Name
Address

EXTERNAL AGCY OWNER EXTERNAL AGCY OWNER SELF
KIT REALTY INC
47 HILLSIDE AVE, MANHASSET, NEW YORK 110332228

Relation
Name
Address

EXTERNAL AGCY OWNER EXTERNAL AGCY OWNER SELF
FIRST
138-28 NORTHERN BOULEVARD, FLUSHING, NEW YORK 11354

Infraction Summary

Description
Bip Amount

POSTING OF PERMITS AND RECORD KEEPING
\$0

Face Amount
Status

\$700
DEFAULT

Imposed Amount
Status

\$1,000
DEFAULT

Description
Bip Amount

GENERAL MAINTENANCE
\$0

Face Amount
Status

\$750
DEFAULT

Imposed Amount
Status

\$1,000
DEFAULT

CERTIFICATES OF FITNESS AND CERTIFICATES OF QUALIFICATION

Description	\$0
Slip Amount	\$750
Face Amount	DEFAULT
Status	\$1,000
Imposed Amount	
Description	ELECTRICAL LIGHTING HAZARDS
Slip Amount	\$0
Face Amount	\$750
Status	DEFAULT
Imposed Amount	\$1,000
Total	\$4000.00
Paid	\$0.00
Balance Due	\$4000.00

NYC Business**△ FIRE DEPARTMENT OF NYC**

Status ● DOCKETED

Issuing Agency
FIRE DEPARTMENT OF NYCNotice of Violation Number
011422707KRespondent Name
KUM GANG INC**Violation Details**

Violation Date 02/08/2015
 Status DOCKETED
 Status BOTH DUE
 Disposition DEFAULTED
 Issuing Agency FIRE DEPARTMENT OF NYC

Hearing Information

Scheduled 04/27/2015
 Scheduled Location QUEENS
 Docketed Date 07/01/2015

Premise Information

Location 138-28 NORTHERN BLVD, FLUSHING, NY, 11354
 Borough/Block/Lot (BBL) QUEENS 10501070026

Business Representatives

Relation	RESPONDENT
Name	KUM GANG INC
Address	N/A
Relation	EXTERNAL AGCY OWNER EXTERNAL AGCY OWNER SELF
Name	KIT REALTY INC
Address	138-13 NORTHERN BOULEVARD, FLUSHING, NEW YORK 11354
Relation	EXTERNAL AGCY OWNER EXTERNAL AGCY OWNER SELF
Name	KIT REALTY INC
Address	47 HILLSIDE AVE, MANHASSET, NEW YORK 110302220
Relation	EXTERNAL AGCY OWNER EXTERNAL AGCY OWNER SELF
Name	KIT REALTY INC
Address	138-28 NORTHERN BOULEVARD, FLUSHING, NEW YORK 11354

Infraction Summary

Description	PORTABLE FIRE EXTINGUISHERS AND FIRE HOSES
Stop Amount	\$0
Fees Amount	\$800
Status	DEFAULT
Imposed Amount	\$1,000
Description	POSTING OF PERMITS AND RECORD KEEPING
Stop Amount	\$0
Fees Amount	\$700
Status	DEFAULT
Imposed Amount	\$1,000

INSPECTION AND TESTING

50
\$600
DEFAULT
\$1,000
\$3000.00
\$0.00
\$3000.00

Description
Slip Amount
Face Amount
Status
Imposed Amount
Total
Paid
Balance Due

NYC Business**△ FIRE DEPARTMENT OF NYC**

Status ● DOCKETED

Issuing Agency
FIRE DEPARTMENT OF NYCNotice of Violation Number
011404227MRespondent Name
JANCHI JANCHI**Violation Details**

Violation Date
Status
Compliance
Disposition
Issuing Agency

**02/12/2015
DOCKETED
BOTH DUE
DEFAULTED
FIRE DEPARTMENT OF NYC**

Hearing Information

Scheduled
Scheduled Location
Decided Date

**03/30/2015
QUEENS
07/31/2015**

Premise Information

Location
Borough/Block/Lot (BBL)

**138-18 NORTHERN BLVD, FLUSHING, NY, 11354
QUEENS / 05010 / 0028**

Business Representatives

Relation
Name
Address
Relation
Name
Address

**RESPONDENT
JANCHI JANCHI
138-18 NORTHERN BLVD, FLUSHING, NEW YORK 11354
SELF
JANCHI JANCHI
138-20 NORTHERN BOULEVARD, QUEENS, NEW YORK 11354**

Infraction Summary

Description
Stop Amount
Face Amount
Status
Imposed Amount
Description
Stop Amount
Face Amount
Status
Imposed Amount
Total
Paid
Balance Due

**POSTING OF PERMITS AND RECORD KEEPING
\$0
\$700
DEFAULT
\$1,000
SIGN, POSTINGS, NOTICES AND INSTRUCTIONS
\$0
\$800
DEFAULT
\$1,000
\$2000.00
\$0.00
\$2000.00**

EXHIBIT F



FIRE DEPARTMENT

Date 11-13-19

NAME OF BUILDING 100 W. 100th St.

ADDRESS ☐ Fire ☐ Police ☐ Health ☐ Water ☐ Gas ☐ Electric ☐ Other ☐

NAME OF PERSON John Doe
STREET ADDRESS 100 W. 100th St.
CITY New York
STATE NY
ZIP 10019
PHONE 212-123-4567

NAME OF PERSON John Doe

STREET ADDRESS 100 W. 100th St.

CITY New York

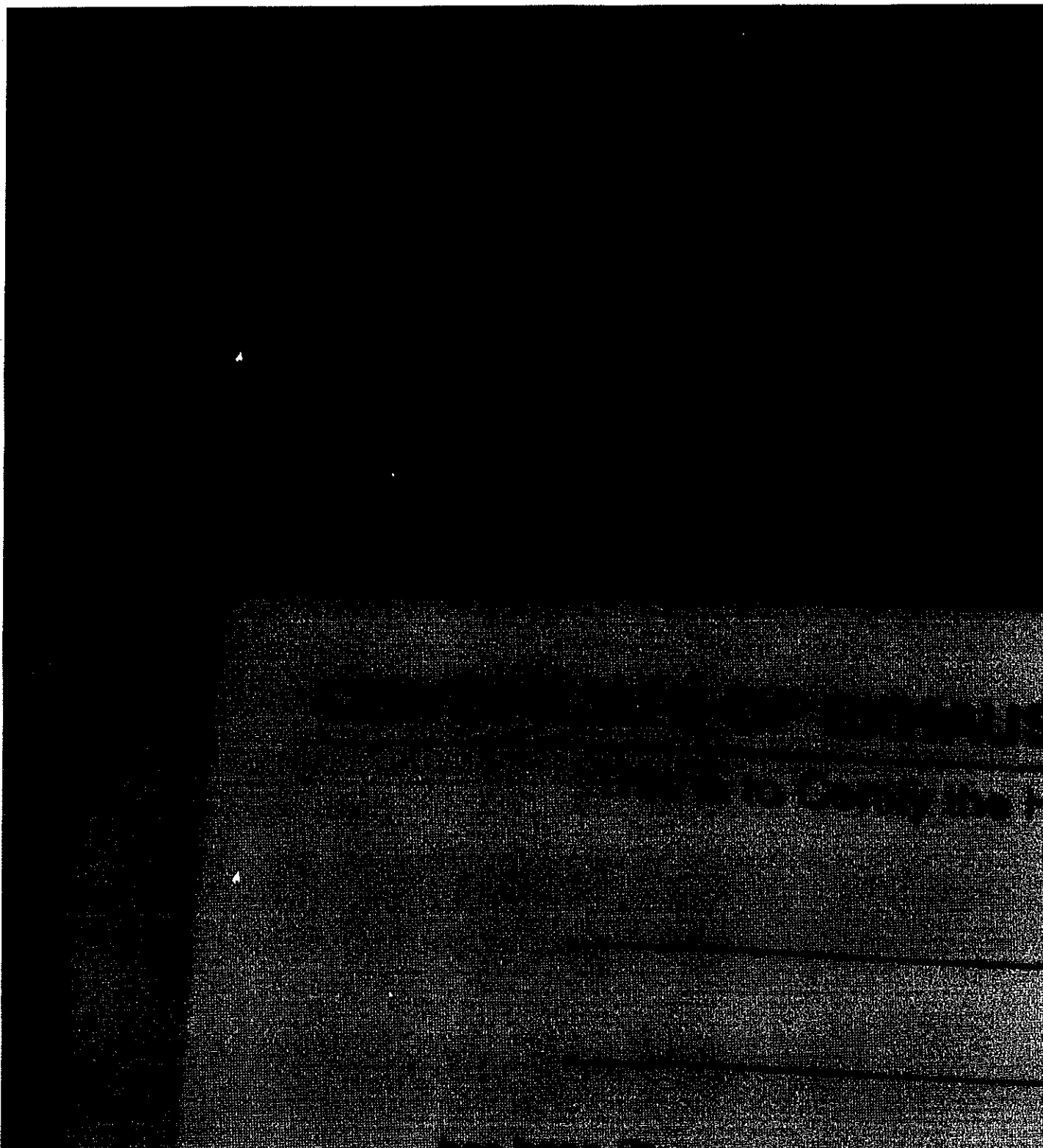
STATE NY

ZIP 10019

PHONE 212-123-4567

Kenneth McCallion

From: ~~Gregory McCallion~~
Sent: Tuesday, April 18, 2017 5:27 PM
To: Kenneth McCallion
Subject: Hood clean for KGS



NY FireTech Inc

40-50 192nd Street
Flushing, NY 11358

718-888-2999/2992 Fax # 718-888-2422

E-mail nyfiretech@hotmail.com

Invoice

Date	Invoice #
1/6/2017	00444

Bill To

07910
JAHNCHI JAHNCHI REST
138-18 Northern Blvd
QUEENS NY 11354

917-642-5757 MR. LEE
MR. LEE

License: NY 504-C/ NJ P01277

		Inspector	System		
		Z	PCL-300,PCL-160 KX1		
Quantity	Item Code	Description	U/M	Price Each	Amount
	Inspection	Semi-Annual Inspection. Sales Tax for NYC @8.875%		101.03 8.875%	101.03T 8.97
Paid \$ _____					
Sign: _____					
Print: _____					
			Total		
			\$110.00		

DIVISIONS <input type="checkbox"/> RESTAURANT <input type="checkbox"/> RESIDENTIAL <input type="checkbox"/> COMMERCIAL <input type="checkbox"/> INDUSTRIAL	<h2 style="margin:0;">紐約第一城頭公司</h2> <h3 style="margin:0;">NEW YORK FIRST HOOD SYSTEM COMPANY</h3> <p style="margin:0;">38-22 147th Street, Apt 3E, Flushing, NY 11354 TEL: (718) 690-2276/406-1945</p>	<h1 style="margin:0;">3509</h1>																																																																																								
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ELEMENT CLEANING & SUPPLY INC.

Business Name <u>Kim Gang San Rest</u>		Co Name	Element Cleaning & Supply Inc
Address <u>138-28 Myrtle Ave Bldg</u>		Technician	<u>Joe M</u>
City & State <u>NY 11354 Flushing</u>		Signature	<u>Joe M</u>
Phone <u>718-461-0900</u>		Address	22-02 128th St. College Point, NY 11356
Contact Person <u>Mona Y</u>		COF #: 84793459	
Phone <u>516-461-0900</u>		Lic #: 111	
Website		Amount:	
		Sales Tax:	Total:
A. Are the Filters cleaned by your Company?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	If different, C of P # _____ of the persons who cleaned it.
		<input type="checkbox"/> N/A	Exp Date: _____
B. Are there filters missing/damaged?		<input type="checkbox"/> Yes <input type="checkbox"/> No	If Yes, number of filters missing or damaged: # _____
C. Are the precipitators/pollution control devices cleaned by your company?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	If different, C of P # _____ of the persons who cleaned it.
		<input type="checkbox"/> N/A	Exp Date: _____
D. Pre-Cleaning check		Reconnect	Comments
1. Do Fan(s) operate? M		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Unable to determine
2. What is the grease load in exhaust System?		<input type="checkbox"/> Light <input checked="" type="checkbox"/> Med	
		<input type="checkbox"/> Heavy	
3. Have appliances been disconnected?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
4. Has building representative or Alarm Company been notified?		<input type="checkbox"/> Yes <input type="checkbox"/> No	Name: _____ <input type="checkbox"/> Not Available
5. Have all power sources for Kitchen Exhaust Fans been locked out and tagged out?		<input type="checkbox"/> Yes <input type="checkbox"/> No	
6. Schematic sketch/drawings & cleaning operating instructions posted?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
7. Describe the grease load under the protective hood(s)?		<input type="checkbox"/> Light <input checked="" type="checkbox"/> Med	
		<input type="checkbox"/> Heavy	
8. Last quarterly service cleaning date?		<u>1/1/16</u>	CO NAME: _____ <input type="checkbox"/> Not Available
E. Area to be serviced			
9. How many grease exhaust hoods are there & how many of them cleaned?		# Of hoods _____ # Cleaned _____	
10. Were hood light(s) cleaned?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
11. Were exhaust Fan(s) cleaned & hinged?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
12. Has exhaust fan louvers been cleaned & checked?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
13. Has exhaust fan belts & pulleys been inspected?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
14. Were grease trap(s) cleaned?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
15. Are there any visible grease leaks from the duct system?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Location: _____
16. Has horizontal duct(s) been cleaned? M		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	If no, explain reasons on back of page in comments section.
17. Has vertical duct(s) been cleaned? M		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	If no, explain reasons on back of page in comments section.
18. Are access panels provided? M		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	No. Of panels installed: _____ Size of panels: _____
19. Do access panel have proper signage?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
F. Post-Cleaning Check			
20. Has technician left working area free of grease rags & debris?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
21. Are there any inaccessible areas?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If Yes, explain reasons on back of page in comments section.
22. Has compliance certificate been dated & placed on hood?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	If No, Refer to additional post service report.
23. Have appliance(s) been reconnected?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
24. Any problems found?		<input type="checkbox"/> Yes <input type="checkbox"/> No	If Yes, explain reasons on back of page in comments section.
25. Are there any electrical wires in the hood ducts or fans?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If Yes, explain reasons on back of page in comments section.
26. Has a photo been taken before & after?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
Owner representative name: _____		Signature: <u>Kim Gang San</u>	Date: <u>Feb 2nd 16</u>
(For the follow up letter)			

M - Mandatory. Any NO answer on M items requires immediate notification to the FDNY, Rangehood Unit.

N/A - Not applicable

Note: A record of this service shall be maintained on premise and be made available for inspection by any member of the New York City Fire Department.

For any deficiencies described above, a follow-up letter will be sent to you listing any corrective action necessary. It is your



VIP Fire Sprinklers Inc.

700 Columbia Street, Bldg 301A, Brooklyn, N.Y. 11231
24 HR. SERVICE

(718) 596-5086

(718) 945-3316

Fax: (718) 945-3316

Email: vipfiresprinklers@aol.com

COMMERCIAL • RESIDENTIAL

Location:

Name:

Address:

City:

State:

ZIP:

Water Supply

1. Gravity Tanks (Yes or None) Full (Yes or No) Ice in Tanks (Yes or None)
 - * Condition (including supporting structure, hoops, ladders, trap doors, heating apparatus, tank drop wrapping) in order (Yes or None)
 2. Pressure Tanks (Yes or NO) Water Level at Mark (Yes or No) Air Pressure Lbs.
 - * Condition (including pressure gauges, water level glasses, tank house, heat for tank) in order (Yes or No)
 3. City Water Main Direct Connections (Yes or None) Size Inch Pressure lbs.
 4. Pumps -- Fire Pumps (Yes or Non) Fire Pumps (Yes or None) Air Compressor (Yes or None)
 - * Condition (including power, switches, gauges, relief valves, suction tanks) in order (Yes or No)
 5. Fire Department Connections in Order (Yes or No) Caps in Place (Yes or No) # of connections?
- Control Valves**
6. All control valves open and accessible (Yes or No) Sealed (Yes or No)
 7. Drain Valves in order (Yes or No) Drains Discharge Safety (Yes or No)
 8. Dry Pipe Systems in order (Yes, No or none) Air Pressure Lbs. Water Pressure Lbs.
 - * Quick Opening Devices in Order (Yes, No or None)
 9. Deluge Valve in Order (Yes or No or None) Open Sprinkler Equipment in Order (Yes, No or None)
 10. Anti-Freeze for Unheated Sections in Order (Yes, No or None) Date Solution Tested: _____
- Sprinkler Equipment Alarms**
11. Local Tank Alarms in Order (Yes or No)
 12. Local Water Flow Alarm in Order (Yes or No) How Tested? _____
 13. Connected to Central Station or Fire Alarm Company (Yes or No) _____

MAINTENANCE, FIRES, IMPAIRMENTS, OBSTRUCTIONS

14. Painted, Corroded, Dirty, Sprinklers (Yes or No) If yes, state where below
15. Any changes to sprinkler equipment since last inspection? (Yes or No) If yes, explain below
16. Any Fires or Impairments to sprinkler equipment since last inspection? (Yes or No) If yes, explain below
17. Any obstructions due to partitions, shelving, decks, and platform stock racks, fixtures, etc? (Yes or No) If no, explain below
18. All signs in place? (Yes or No) If no, explain below
19. Remarks: _____

Date of Inspection:

Time:

Signature of Inspector:

Customer Signature:

VISUAL INSPECTION ONLY

INSPECTIONS • VIOLATIONS CORRECTED • RE-TESTS • INSTALLATIONS • SERVICE



VIP Fire Sprinklers Inc.

700 Columbia Street, Bldg 301A, Brooklyn, N.Y. 11231
24 HR. SERVICE

(718) 506-5086

(718) 945-3315

Fax: (718) 945-3316

Email: vipfiresprinkler@aol.com

COMMERCIAL • RESIDENTIAL

Location:

Name:

Address:

City:

State:

Zip:

Water Supply

1. Gravity Tanks (Yes or None) Pda (Yes or No) Ice in Tanks (Yes or None)
 - Condition (including supporting structure, hoops, ladders, trap doors, heating apparatus, tank drop wrapping) in order (Yes or None)
2. Pressure Tanks (Yes or No) Water Level at Mark (Yes or No) Air Pressure lbs.
 - Condition (including pressure gauges, water level glasses, tank house, heat for tank) in order (yes or No)
3. City Water Main Direct Connections (Yes or None) Size Inch Pressure lbs.
4. Pumps - Fire Pumps (Yes or No) Fill Pumps (Yes or None) Air Compressor (Yes or None)
 - Condition (including power, switches, gauges, relief valves, suction tanks) in order (Yes or No)
5. Fire Department Connections in Order (Yes or No) Caps in Place (Yes or No) # of connections?

Control Valves

6. All control valves open and accessible (Yes or No) Sealed (Yes or No)
7. Drain Valves in order (Yes or No) Drains Discharge Safety (Yes or No)
8. Dry Pipe Systems in order (Yes, No or none) Air Pressure lbs. Water Pressure lbs.
 - Quick Opening Devices in Order (Yes, No or None)
9. Deluge Valve in Order (Yes or No or None) Open Sprinkler Equipment in Order (Yes, No or None)
10. Anti-Freeze for Unheated Sections in Order (Yes, No or None) Date Solution Tested: _____

Sprinkler Equipment Alarms

11. Local Tank Alarms in Order (Yes or No)
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13. Connected to Central Station or Fire Alarm Company (Yes or No) _____

MAINTENANCE, FIRES, IMPAIRMENTS, OBSTRUCTIONS

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16. Any Fires or impairments to sprinkler equipment since last inspection? (Yes or No) If yes, explain below
17. Any obstructions due to partitions, shelving, decks, and platform stock racks, fixtures, etc? (Yes or No) If no, explain below
18. All signs in place? (Yes or No) If no, explain below
19. Remarks: _____

Date of Inspection:

Time:

Signature of Inspector:

Customer Signature:

MATTHEW R. PETRONIS
842 CRT. #1042518

VISUAL INSPECTION ONLY

July 2017

NEW VINYL CERAMIC

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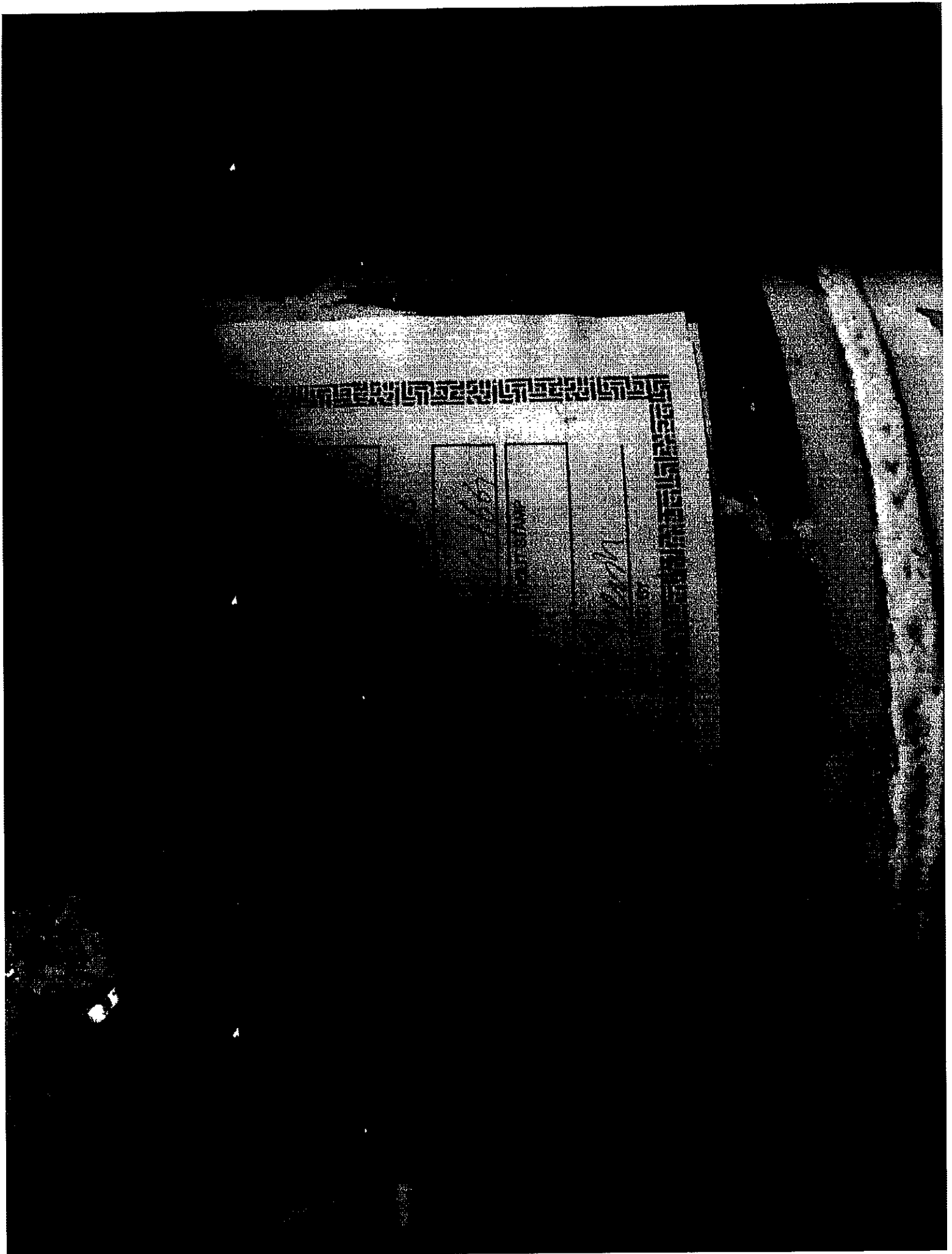
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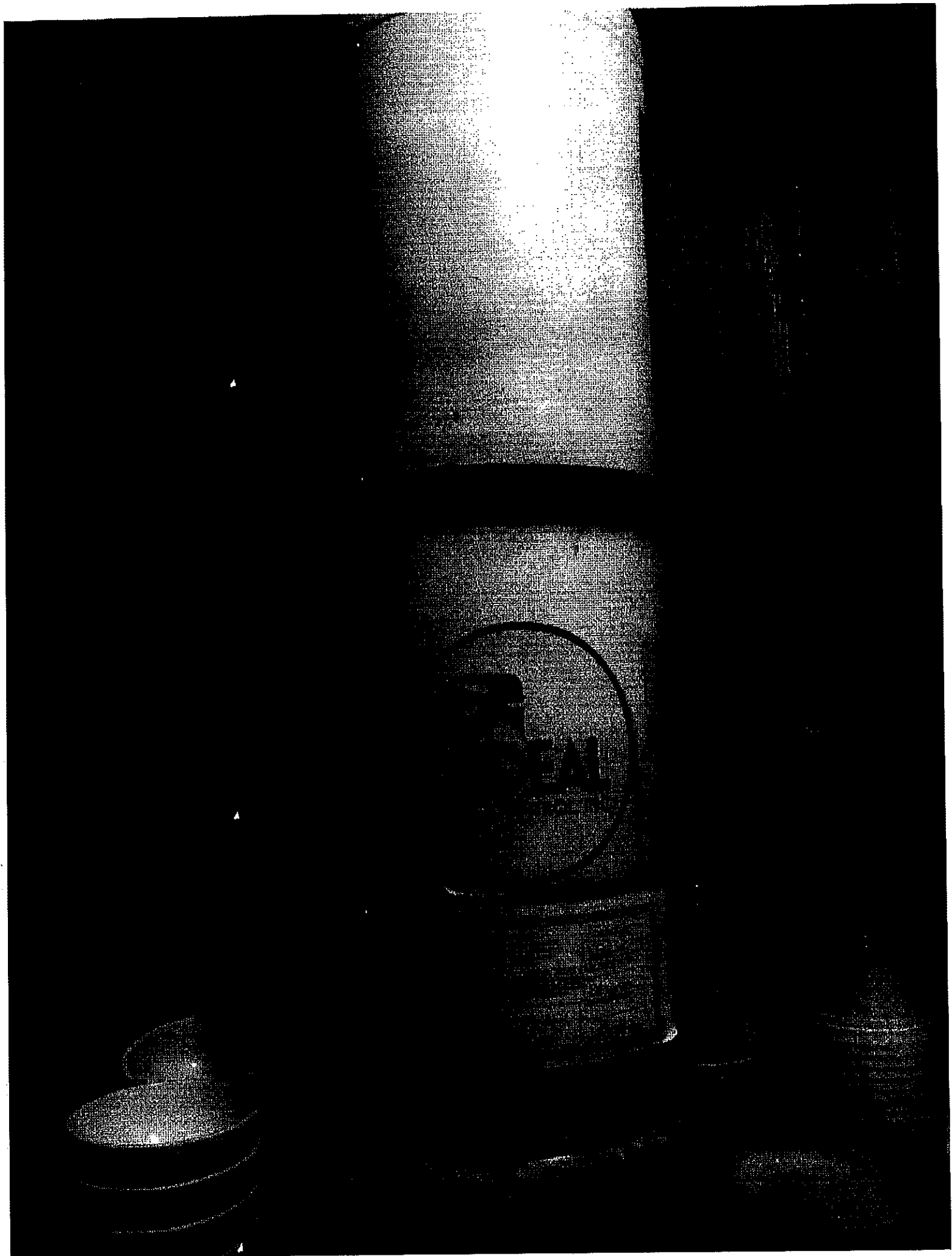


EXHIBIT G

NYC Business**Δ FIRE DEPARTMENT OF NYC**

Status ● DOCKETED

Issuing Agency
FIRE DEPARTMENT OF NYCNotice of Violation Number
0114312762Respondent Name
KUM GANG INC**Violation Details**

Violation Date	04/18/2015
Status	DOCKETED
Compliance	PENALTY DUE
Disposition	DEFAULTED
Issuing Agency	FIRE DEPARTMENT OF NYC

Hearing Information

Scheduled	10/05/2015
Scheduled Location	QUEENS
Docketed Date	01/31/2016

Premise Information

Location	138-29 NORTHERN BLVD, FLUSHING, NY, 11354
Borough/Blocklot (BBL)	QUEENS / 05010 / 0028

Business Representatives

Relation	RESPONDENT
Name	KUM GANG INC
Address	138-29 NORTHERN BLVD, FLUSHING, NEW YORK 11354
Relation	SELF
Name	KUM GANG INC, C/O J SUNG YOO
Address	138-29 NORTHERN BOULEVARD, FLUSHING, NEW YORK 11354

Infraction Summary

Description	CERTIFICATES OF FITNESS AND CERTIFICATES OF QUALIFICATION
Slip Amount	\$0
Fine Amt NYC	\$750
Status	DEFAULT
Imposed Amount	\$1,000
Total	\$1000.00
Paid	\$0.00
Balance Due	\$1000.00

EXHIBIT H

NYC Business**A FIRE DEPARTMENT OF NYC**

Status ● RESCHEDULED

Issuing Agency
FIRE DEPARTMENT OF NYCNotice of Violation Number
011623269LRespondent Name
KIT RLTLY INC**Violation Details**

Violation Date	07/21/2017
Section	RESCHEDULED
Compliance	BOTH DUE
Disposition	DEFAULTED
Issuing Agency	FIRE DEPARTMENT OF NYC

Hearing Information

Scheduled	03/29/2018
Scheduled Location	LONG ISLA
Cancelled	YES

Penalty Information

Location	138-28 NORTHERN BLVD, FLUSHING, NY, 11354
Borough/Block/Lot (BBL)	QUEENS / 00010 / 0002

Business Representatives

Relation	RESPONDENT
Name	KIT RLTLY INC
Address	95-40 ROOSEVELT AVE, JACKSON HEIGHTS, NEW YORK 11372
Relation	REPRESENTATIVE
Name	KIT REALTY, INC.
Address	138-28 NORTHERN BOULEVARD, FLUSHING, NEW YORK 11354

Infraction Summary

Description	INSPECTION AND TESTING
Slip Amount	\$0
Fee Amount	\$600
Status	DEFAULT
Imposed Amount	\$1,000
Total	\$1000.00
Paid	\$0.00
Balance Due	\$1000.00

EXHIBIT I

02/09/2018 14:17 17183212575

KUMGANGSAN

PAGE 01



VIP Fire Sprinklers Inc.

700 Columbia Street, Bldg 301A, Brooklyn, N.Y. 11231

(718) 596-5086

(718) 945-3315

Fax: (718) 945-3316

e mail: vipfiresprinkler@aol.com

COMMERCIAL - RESIDENTIAL

Fire Department City of New York
Bureau of Fire Prevention
Enforcement Unit
9 Metro Tech East
Brooklyn, NY 11201-3857

November 13, 2017

RE: 138-28 Northern Blvd, Queens
Violation # 11623299L
Account # 00646268
Clerk ID # R042P
Rules Covered 20
(1) PD Sprinkler Connection

To Whom This May Concern:

Please be advised that we contacted the N.Y. Fire Department
And they assigned 05/4/18 as the TEST DATE AND
INSPECTION.

Such tests are to be arranged for and conducted by us and at the owners
Risk in the presence of Fire Prevention.

All care will be taken to perform said test. If any parts prove defective as results
Of the test there will be an additional charge to replace defective parts and for re-test.
VIP will be happy to assist you, but be advised that it is ultimately your responsibility to
correctly complete the Certificate of Correction.

Hoping you will make this letter a part of your records and send this copy
To the Enforcement Unit with any other statements required by your office at once.

PLEASE HAVE SOMEONE TO OPEN BUILDING @ 8:30AM-4:00PM

Very Truly Yours,

Thomas Petronis
President
VIP Fire Sprinklers, Inc.

- Your firm is to pay all New York Fire Department testing fees as invoiced by the E.C.B. Unit
- Please sign & fax back:

Accepted By

Date

11-14-2017

FIVE (5) DAYS NOTICE OF TERMINATION

TO: KUM GANG INC.
138-18/38 Northern Boulevard
Flushing, NY 11354

SUBJECT PREMISES: 138-18/38 Northern Boulevard
Flushing, NY 11354

Additional copies sent by regular mail and certified mail to KUM GANG INC. at 945 Manhattan Ave., Brooklyn, NY 11222.

YOU ARE HEREBY NOTICED AND ADVISED that the landlord does hereby elect to terminate your tenancy of the above described premises now held by you under leasehold hiring. Unless you remove from the premises by January 2nd, 2019, the day on which your term expires pursuant to this Notice, the landlord will commence summary proceedings under the Statute to remove you from the premises for Holding Over after the expiration of your term. The reasons for the termination of your tenancy include, but are not limited to the following:

1. You have failed to correct and/or have the following violations removed in violation of Paragraph 6 of your lease, which requires you to be in compliance with any and all laws, rules and governmental orders.
2. The Fire Department of the City of New York has entered the following violations which to date have not been corrected. These violations include but are not limited to the following: ECB Violation #'s: 01144123R, 011455531R, 01145561RT, 011492563Y, 011563570H, 011430753L, 011422707K, 011404227M, 011431274Z, 011623299L, 0193653451, 0193653460.
3. Additionally the New York City Department of Health issued the following summons numbered 0881000020, 08881000039, 0881000048, 0881000057, 0881000066, 0881000075, and 0881000084. A copy of the summons are attached
4. You are in violation of your lease agreement in that your failure to comply with governmental directives has directly impacted the landlord's use of the subject premises and has subjected the Landlord to penalties and/or fines as a consequence of your breach of those governmental directives.
5. To date these violations still exist and have not been corrected.

Exhibit C

CIVIL COURT OF THE CITY OF NEW YORK
COUNTY OF QUEENS: COMMERCIAL PART 52

x

KIT REALTY INC.,

Petitioner-Landlord,

-against-

KUM GANG INC.
138-18/38 Northern Boulevard
Flushing, NY 11354,

Respondent-Tenant,

"XYZ Corp.", "JOHN DOE" AND "JANE DOE",

Respondents- Undertenants.

COMMERCIAL

Index No. 52603/18

**AFFIRMATION OF
KENNETH F. McCALLION**

x

KENNETH F. McCALLION, an attorney duly admitted to the practice of law in the State of New York, affirms as follows under penalties of perjury:

1. I am the principal attorney with the law firm of McCallion & Associates LLP, attorneys for the Respondent-Tenant Kum Gang Inc. in the above-captioned matter. I submit this affirmation in opposition to the Petitioner's claim that the Respondent-Tenant has violated the terms of its lease.

2. ON February 27, 2018, I caused to be hand delivered to the New York City Fire Department (F.D.N.Y.) the attached cover letter, attached hereto as Exhibit 1, and the accompanying Certificate of Correction, notarized on February 27, 2018 by Un Cha Kim, the manager of Respondent-Tenant, along with evidence and supporting documentation establishing that Respondent-Tenant has corrected each and every violation relating the subject Premises.

3. Upon information and belief, the F.D.N.Y. is reviewing the attached Certificate of Correction and attachments thereto, and will then notify the undersigned counsel, either

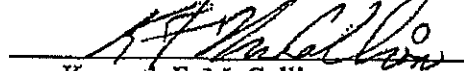
confirming that the F.D.N.Y. agrees that all violations have been corrected, or asking for further information regarding said corrected violations.

4. The Respondent-Tenant and its counsel shall inform the Petitioner-Landlord and this Court once it receives a response from the F.D.N.Y. regarding this matter.

WHEREFORE, it is respectfully requested that the Petition be denied in all respects.

Dated: March 21, 2018

McCALLION & ASSOCIATES LLP



Kenneth F. McCallion
Attorneys for Respondent-Tenant
100 Park Avenue – 16th floor
New York, New York 10017
(646) 366-0884

McCallion & Associates, LLP

100 Park Avenue, 16th Floor,
New York, New York 10017
Telephone: 646-366-0884
www.mccallionlaw.com
kfm@mccallionlaw.com

February 27, 2018

F.D.N.Y.
Bureau of Legal Affairs
Administrative Enforcement Unit
9 Metro Tech Center
Brooklyn, NY 11201-3857

Re: Kum Gang San Inc.
138-28 Northern Boulevard
Flushing, NY 11354

Dear Staff Member:

We are the attorney's for the above mentioned restaurant. Attached please find several notarized Certificate of Correction, a copy of the Notice of Violation and all supporting documents pertaining to each violation mentioned below:

011430753L, 011422707K, 011404227M, 011431274Z, 011441236R, 011455531R,
011455618J, 011492563Y, 011563570H, 011623299L

If there is anything missing in this packet that would not satisfy the violation please feel free to call me at 646-366-0884.

Very truly yours,


Kenneth F. McCallion

Exh. "A"

Exhibit D

A.G.R.E.E.M.E.N.T.

This Agreement is made on July 30, 2019 between Kum Gang Inc. hereinafter referred as (KGI) with address at 945 Manhattan Avenue, Brooklyn, NY, and FUNDPRO Inc. hereinafter referred as (FUNDPRO) with address at 61 South Shore Drive, South Amboy, NJ.

KGI has the intention to sell its full lease right which it owns at 138-18/32 Northern Blvd., Flushing, NY 11354.

KGI's lease right is evidenced by a lease agreement executed by KGI and its Landlord Kit Realty Inc. on June 16, 2004 with expiration on June 30, 2024.

KGI herewith agrees to engage FUNDPRO to sell the lease right to SMI/DP Plus Property, or any other buyers that introduced by FUNDPRO.

KGI agrees to pay FUNDPRO, without any deduction or withholding, a fee of One Million US Dollars (\$1,000,000) for its service and effort. *if the sales price is \$4,000,000 KGI will get \$3,000,000 (Three Millions Dollars) otherwise, 25% fee to fundpro.*
KGI will pay FUNDPRO that service fee immediately upon the date it receives proceeds from sale of lease right by buyer(s) introduced by FUNDPRO. *The \$4 million sales proceed will be kept at fundpro's attorney's Escrow Account, then re-distribute it accordingly.*

All Parties agree to the above terms by signing as below:

Kum Gang Inc.

Ji Sung Yoo, President

MING KWONG CHOW
NOTARY PUBLIC, State of New York
No. 01CH5052376
Qualified in Kings County
Commission Expires Nov. 20, 2021

FUNDPRO Inc.

Jerry D. H. Li, President

MING KWONG CHOW
NOTARY PUBLIC, State of New York
No. 01CH5052376
Qualified in Kings County
Commission Expires Nov. 20, 2021